

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES**

STATE ENVIRONMENTAL COMMISSION

HEARING ARCHIVES FOR

REGULATORY PETITIONS

COMMISSION PETITION NO. 94001

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-051-93

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B

REGULATORY PETITIONS

ORIGINAL DRAFTED BY COMMISSION

ADOPTED BY COMMISSION

YES AS FILED AND CODIFIED BY LCB

Secretary of State
Filing Data

For Filing Administrative
Regulations

For Emergency
Regulations Only

Effective Date _____

Expiration Date _____

Governor's Signature

**Environmental
Commission**

Classification [] Proposed [] Adopted By Agency [XX] Temporary [] Emergency []

Brief description of action: Petition 94001 (LCB R-051-93 Redo #1) permanently amends NAC 444 by adoption of the federal landfill criteria and language, establishing a landfill permitting program for solid waste and other technical amendments. This petition extends the deadlines established pursuant to petition 93008 of the Environmental Commission. This action is based upon changes in federal regulations.

Authority citation other than 233B: NRS 444.560 and as amended by Senate Bill 97, Section 19 as approved and made effective by the Governor on March 10, 1993.

Notice date:

Permanent - August 24, September 8 and September 16, 1993

Hearing date:

Permanent - September 22, 1993

Date of Adoption of Agency:

Permanent - September 22, 1993

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PETITION 94001
LCB R-051-93 Redo #1**

The following statement is submitted for adopted permanent amendments to Nevada Administrative Code Section 444.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 94001 was noticed three (3) times: 8-24-93, 9-8-93 and 9-16-93 in the Las Vegas Review and Reno Gazette-Journal newspapers.

2. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1. No written comment was received prior to the hearing.

3. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulations were adopted at the SEC hearing on September 22, 1993 with no further public comment. The regulations were amended to correct and clarify problem discovered during the drafting process.

4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects: and
- (b) Both immediate and long-term effects.

- a. The proposed delay may, in the short-term, have an adverse effect on the private disposal industry that is seeking disposal contracts with municipal governments. Municipal governments may, in the short-term, benefit from the delay since increased disposal costs can be deferred until the new effective date. The delay affords municipal governments needed additional time, which may provide a long-term benefit by allowing for more thorough consideration of solid waste disposal options.

- b. The public may benefit from the delay since increased costs for disposal may be marginally deferred into the future. This economic benefit is not likely to be great, since the delay is intended to provide municipal governments with time to assess fees and collect the revenue needed to support a solid waste disposal infrastructure.

5. The estimated cost to the agency for enforcement of the proposed regulation.

The proposed delay will not result in any new costs to the NDEP.

6. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary.

There are no other state or government agency regulations which the proposed amendments duplicate.

**CODIFIED PERMANENT REGULATION OF THE
NEVADA STATE ENVIRONMENTAL COMMISSION**

LCB File No. R-051-93 Redo #1

EXPLANATION--Matter in italics is new; matter in brackets [] is material to be omitted. Language underlined is in regard to those sections amended when the Commission adopted the regulations on 9-22-93.

AUTHORITY: NRS 444.560

Sec 85. 1. The owner or operator of a class II site shall provide suitable shelter, drinking water and sanitary facilities for the employees who work at the Class II site.

2. The owner or operator of a Class II site must comply with:

(a) Section 32 of this regulation for the closure of the municipal solid waste landfill units;

(b) Sections 34 and 72 of this regulation for the postclosure maintenance of municipal solid waste landfill units;

(c) NAC 444.685 and sections 73 to 84, inclusive, of this regulation;

(d) NAC 444.692 and 444.698 and sections 62 to 68, inclusive, of this regulation if the Class II site contains at least one municipal solid waste landfill unit; and

(e) NAC 444.678 and sections 35 to 41 [37 to 43], inclusive, of this regulation.

The language of this permanent regulation, Petition 94001, was prepared by the Legislative Counsel Bureau as R-051-93 Redo #1) on 8-30-93. This petition (94001) directly amends sections of Petition 93008 (R-051-93). Petition 94001 was amended and adopted as a permanent regulation by the Environmental Commission on 9-22-93 and became effective on 11-8-93 on filing with the Secretary of State (Petition 93008 (LCB R-051-93). **Codified 11/21/93.**

Sec. 86. 1. The owner or operator of a Class II site shall install, by October 9, 1996, a system for monitoring the ground water which complies with section 45 of this regulation, if all of the municipal solid waste landfill units within the site are more than 2 miles from an intake for drinking water.

2. The owner [and] or operator of a Class II site shall install, by October 9, 1995, a system for monitoring the ground water which complies with section 45 of this regulation, if any municipal solid waste landfill unit within the site is less than 2 miles from an intake for drinking water.

3. The owner or operator of a Class II site shall comply with the requirements of section 46 through 54, inclusive, once a ground water monitoring system has been installed in compliance with section 45. [The solid waste management authority shall determine the parameters and the frequency of sampling ground water to be used in monitoring the ground water].

Sec. 86.5. The owner or operator of a Class II site shall comply with sections 69, 70 and 71 of this regulation for the closure of the municipal solid waste landfill units if the Class II site contains at least one municipal solid waste landfill unit.

Sec 87. [The owner or operator of a Class III site shall comply with NAC 444.686 and 444.688 and sections 62 to 68, inclusive, of this regulation.]

Sec. 121. NAC 444.704 is hereby amended to read as follows:

1. All Class II sites must ~~[conform to]~~ *comply with* the minimum ~~[standards for location, design, construction, operation and maintenance]~~ *requirements* set forth in *this section and NAC 444.706 to 444.728, inclusive. A Class II site which fails to satisfy the minimum requirements shall be deemed to be an open dump for the purpose of the disposal of solid waste and is prohibited.*

2. *The owner or operator of a new or existing municipal solid waste landfill unit or a lateral expansion which meets the criteria for a Class II site pursuant to NAC 444.571 shall place in the operating records of the unit such information as necessary to demonstrate how the unit or lateral expansion meets the criteria.*

3. *An owner or operator of a new or existing solid waste landfill unit or a lateral expansion which meets the criteria for a Class II site who has knowledge that the unit or lateral expansion has contaminated the ground water shall:*

(a) Notify the solid waste management authority of the contamination; and

(b) Comply with the requirements for a Class I site set forth in NAC 444.677 to 444.702, inclusive, and sections 30 to 84, inclusive, of this regulation.

Sec. 122. NAC 444.705 is hereby amended to read as follows:

[The owner or operator of a Class II site or a lateral expansion of a Class II site must, before beginning construction or operation of the site, obtain the approval of the

solid waste management authority. The permit application for approval] *An application for a permit to operate a Class II site or a lateral expansion of a Class II site* must be submitted to the solid waste management authority and must include:

1. The name, location and mailing address of the:
 - (a) Site;
 - (b) Owner of the site;
 - (c) Operator of the site; and
 - (d) Authorized agent of the owner.
2. Proof of ownership of the land on which the site will be located.
3. The report *for the design of the site* required by NAC 444.708.
4. The plan for operating the site required by NAC 444.712.
5. *The plan for closing the site, the plan for postclosure and the documentation of the financial assurance required by NAC 444.704.*
6. *A plan for monitoring water which is in compliance with NAC 444.683.*

Sec. 123. NAC 444.706 is hereby amended to read as follows:

The location of a Class II site must:

1. **[Be easily accessible in all kinds of weather to all vehicles expected to use it.**
2. **Safeguard against water pollution originating from the decomposed solid waste.**

The language of this permanent regulation, Petition 94001, was prepared by the Legislative Counsel Bureau as R-051-93 Redo #1) on 8-30-93. This petition (94001) directly amends sections of Petition 93008 (R-051-93). Petition 94001 was amended and adopted as a permanent regulation by the Environmental Commission on 9-22-93 and became effective on 11-8-93 on filing with the Secretary of State (Petition 93008 (LCB R-051-93). **Codified 11/21/93.**

3. Safeguard against uncontrolled movement or collection of gas originating from the decomposed solid waste.

4. Have an adequate quantity of earth cover material that is workable, compactible and which does not contain organic material of a quantity and distribution conducive to the harboring and breeding of disease vectors.

5. Conform with land use planning of the area.

6.] Not be within one-half mile of the nearest inhabited dwelling or place of public gathering or within 1,000 feet of a public highway, unless special provisions for [site beautification, litter control and vector control] *the beautification of the site and the control of litter and vectors* are included in the design and approved by the solid waste management authority.

[7.] 2. Meet with the approval of the solid waste management authority.

[8. Comply with the requirements set forth in 40 C.F.R. Parts 258.10 to 258.16, inclusive.]

Sec. 134.5 1. The owner or operator of an existing municipal solid waste landfill unit or lateral expansion at a Class I site which accepts less than 100 tons of solid waste per day shall comply with the provisions of sections 32 to 68 [32, 34 to 68], inclusive, and 72 of this regulation by April 9, 1994.

2. The owner or operator of an existing municipal solid waste landfill unit or lateral

expansion at a Class I site which accepts 100 tons or more of solid waste per day shall comply with the provisions of sections 32 to 68 [32, 34 to 68], inclusive, and 72 of this regulation by October 9, 1993.

Sec. 135. 1. This section and sections 1 to 61, inclusive, 69, 70, 71, [73, 74, 75,] 86 to 115, inclusive, 117 to 126, inclusive, and 128 to 134.5, inclusive, of this regulation become effective upon filing with the secretary of state.

2. Sections 62 to 68, inclusive, and 72 become effective on October 9, 1993.

3. Sections 85 and 127 become effective on October 9, 1995.

4. Sections 73 [76] to 84, inclusive, and 116 become effective on April 9, 1995.

END OF PETITION 94001 (LCB R-051-93 REDO #1)